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REPORT

OF THE

Penitentiary Commissioners,

1862.

To the Honorable Governor and Legislature of the State of Kansas :

The undersigned Commissioners of the State Penitentiary, most respectfully beg leave to report.

That during the year 1862, there have been confined in the Leavenworth County Jail, the temporary State Penitentiary, thirty-two State convicts, for full particulars as to date of conviction, county, when conviction was had, duration of punishment, &c., reference is made to the annexed statement of John P. Mitchell, Jailor, which is marked Exhibit "A." and made a part of this report. From said statement it will appear that during the past year nine convicts have been pardoned by the Governor, and eight have been discharged on the expiration of the time for which they were sentenced to confinement, and that there are now confined in said Jail fourteen State convicts.

We further report that the expenses of maintaining the convicts for the year 1862, have been as follows, viz :

For boarding and guarding the prisoners (three thousand five hundred and eighty two dollars.)	\$3,582,00
For Clothing for prisoners,	539,79
“ Medical attendance,	95,50
“ Medicines,	18,00
“ Services of Commissioners,	36,00
Total.	\$4,271,29

By reference to our last report it will be seen that we have purchased for the State, forty acres of land for a site for the State Penitentiary, and from Exhibit “D,” of said report, it will be seen that the purchase money of said land became due, when the deed to said land was executed and delivered. The deed aforesaid was executed on the 25th day of Nov. 1861, and delivered to the Commissioners, on or about the 1st. day December, 1861. No appropriations having been made to pay for this land at the last session of the Legislature it will be seen that the vendor is fairly entitled to receive from the State, legal interest on the purchase money from the time it became due. We therefore recommend that one years interest be allowed Mr. Whitney on the six hundred dollars due him from the State, on account of said land.

The last Legislature also failed to make any appropriation to pay for the services of the Commissioners, and the expense of surveying the Penitentiary site. The following items of expense for the year 1861, ought therefore to be provided for, viz :

For services of C. S. Lambdin, as Commissioners and milage,	\$153,00
For services of M.-S. Adams, as Commissioner,	66,00
“ “ “ Charles Starns, “	57,75
“ “ “ John McCarthy for surveying the land, &c.,	29,00
Total,	\$305,75

To recapitulate therefore we report, to cover all expenses incurred on account of the State Penitentiary down to the first day of January A. D. 1863, which have not already been provided for, it will be

necessary for the Legislature to make the following appropriations, viz:

Total expense of Penitentiary for 1862,	\$4,271,29
Land for Penitentiary site, and one years interest,	660,00
Expense of locating the same, and other services of Commissioners for 1861,	305,75

Your commissioners would further report that some further Legislation is necessary in order that the labor of the State convicts may be made of some profit to the State, and looking towards the ultimate erection of such a Penitentiary building as will meet the prospective wants of the State. Such a Bill passed both branches of the State Legislature at its last session, but failed to become a law for want of the Governor's approval.

Should this Legislature make an appropriation sufficient to erect a portion of the Penitentiary building which would meet the present wants of the State, the convicts might be immediately employed in getting out and preparing the materials therefor, and after a sufficient portion of said building is completed so that the convicts can be confined therein, their labor would be still more valuable to the State in preparing the materials to complete the structure. Another consideration in favor of this measure is, that while the sentence of the law is that the convict shall be confined in the Penitentiary, at *hard labor*, under the present arrangement it seems practically impossible to carry out the judgment of the Courts. Still further, one object of the punishment inflicted, is to effect a reformation in the character of the prisoner. This object can hardly be accomplished while those convicted of minor offences, and who perhaps, have for the first time deviated from the path of rectitude, are confined in the same cell with the most abandoned and hardened criminals. To the former, the confinement in prison only becomes a school of vice, so that at the expiration of his term, instead of being reformed he is only prepared to go forth upon the world to commit crimes, that but for his contact with abandoned criminals, he would never have thought of committing.

In view of the rapid increase of crime in the State, as well as the considerations before alluded to, we cannot but think that the inter-

ests of the State will be promoted by proceeding at once to the erection of State Penitentiary buildings. All of which is most respectfully submitted.

M. S. ADAMS,
C. S. LAMBDIN,
CHARLES STARNES, } Commissioners.

EXHIBIT "A."

State Prisoners confined in the Leavenworth County Jail from the first day of January, 1862, to the first day of January, 1863.

Names of Convicts.	When Committed.	Duration of Sentence.	Remarks.
CONVICTED IN LEAVENWORTH COUNTY.			
1 Owen Wessels	Feb. 10, 1860.	3 years.	Pardoned Dec. 20, '62
2 Francis Lambert	Sept. 5, 1860.	18 months.	Disch'd March 5, '62
3 Wm. Myers,	July 22, 1861,	9 months,	Disch'd April 22, '62
4 Americus Patterson,	July 22, 1861,	9 months,	Par'd Jan. 2, 1862,
5 John Scotty,	July 24, 1861,	15 months,	Disch'd Oct. 4, 1862
6 John Mire,	July 22, 1861,	9 months,	Disch'd April 22, 1862
7 Catharine Friend,	Dec. 17, 1861,	10 years,	
8 Jerome Payne,	March 26, 1862.	1 year,	
9 John Smith,	March 26, 1862,	2 years,	
10 Richard Neagles,	March 25, 1862,	1 year,	Par'd Dec. 22, 1862.
11 George Johnson, [colored]	March 26, 1862,	2 years,	
12 John Stanton,	March 26, 1862,	6 months,	Disch'd Sep. 26, 1862.
13 William Sual,	March 28, 1862,	6 months,	Disch'd Sep. 28, 1862.
14 William Mayers,	March 31, 1862,	10 days,	Par'd April 9, 1862.
15 David W. Robins,	June 9, 1862,	5 years,	
16 Christopher Loeb,	June 5, 1862,	3 years,	
17 Charles Miller,	Dec. 18, 1862,	4 months,	
18 Howard Root,	Dec. 24, 1862,	17 days,	Par'd Dec. 29, 1862.
19 Carl Horne,	Dec. 30, 1862,	Sentenced to be hung	Feb. 13, 1863.
CONVICTED IN DONIPHAN COUNTY.			
20 Wm. Woodford,	July 20, 1860,	3 years,	
21 John Hobough,	July 20, 1860,	3 years,	
CONVICTED IN ATCHISON COUNTY.			
22 James Runkle,	October 21, 1861,	6 months,	Discharged.
23 James Cameron,	October 21, 1861,	1 year,	Discharged.
CONVICTED IN DOUGLASS COUNTY.			
24 John Dudley,	June 2, 1862,	1 year,	Par'd Aug. 25, 1862,
25 John Duffuld, [alias]	November 24, 1862,	2 charges 4 years each;	8 years.
26 Henry Douglas,	November 24, 1862,	1 year,	
27 George White,	November 24, 1862,	1 year,	Disch'd Aug. 10, 1862
CONVICTED IN JOHNSON COUNTY.			
28 Daniel Fleet,	July 1, 1862,	10 years,	Par'd Aug. 3, 1862.
CONVICTED IN COFFEY COUNTY.			
29 John Porter,	August 23, 1862,	1 year,	Par'd Sept. 8, 1862.
CONVICTED IN MIAMI COUNTY.			
30 Constantine Kirkland	Sept. 11, 1862,	3 years,	Par'd Sept. 23, 1862.
CONVICTED IN WABAUNSEE COUNTY.			
31 George Dumond,	Sept. 24, 1862,	4 years,	
CONVICTED IN SHAWNEE COUNTY.			
32 Thomas Madden,	Dec. 8, 1862,	5 years,	

The above and foregoing is a correct statement of convicts confined in the Leavenworth County Jail, as the temporary State Penitentiary of the State of Kansas, for the year 1862. There are now fourteen State prisoners confined in the Jail.

JOHN P. MITCHELL,
Deputy Sheriff, and Jailer of Leavenworth County.
January 1st, 1863.